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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,934	06/02/2001	Steven Olson	C01-011	3261

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EXAMINER

FLEMING, FRITZ M

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,934

Applicant(s)

OLSON ET AL.

Examiner

Fritz M Fleming

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Fritz M. Fleming
FRITZ FLEMING
PRIMARY EXAMINER
GROUP 2100

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/21/02; 4/2/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: A sampling of minor errors is the following. For example, the brief description of Figures 1-4 should indicate that such is "Prior Art". Page 9 has a sentence that has no ending (" depends upon the" without finishing the sentence). Figure 7 should be mentioned when discussing such at page 11. Page 16 incorrectly identifies Figure 7 when discussing elements of Figure 6. Page 16 also reads "The use may select" which should most likely be "The user". Page 17 incorrectly refers to Figure 6 when referring to Figure 5 elements. Applicants are respectfully requested to review the specification and correct these and any other errors applicants may become aware of.
2. The amendment filed 10/05/2001 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The amendment is a set of new drawings. The new drawings have a completely different Figure 8 and a completely new Figure 9. A new declaration was filed on even date, but dated 9/27/01 and refers to the application filed on 6/2/01, and does not refer to the new drawings in the form of a preliminary amendment. The specification as originally filed seems to support the originally filed Figure 8 (and not the new Figure 8 as 83 is not mentioned in the specification), and does not even mention the presence of a Figure 9. Thus applicants have clearly submitted impermissible new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

Appropriate correction is required.

Drawings

3. The drawings were received on 10/05/2001. These drawings are not acceptable, as they introduce new matter, above. One simply cannot discern what is exactly on Figures 5-8 due to the presence of some form that is obscuring a great deal of the indicated drawings. Please see the printed application 2002/0184347. Appropriate correction is needed.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The problem is that of an internal inconsistency of terminology in claim 1, resulting in unclear antecedent basis. For example, the preamble sets forth a set of heterogeneous VPs and at least one host having a UI. The body of the claims then recites "from a VP to a host having a UI" making it unclear if it is the same or different elements than those recited in the preamble. Certainly, consistent language would recite something like "sending vision processor (only VPs and not the singular VP is in parenthesis in the preamble) characteristic information over the network from one of the set of VPs (or from said VPs) to said at least one host having said UI" to make it clear what is being

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referred to. Claim 7 seems to contradict claim 1 in that claim 1 already states that the host has the UI, but claim 7 then states that the UI is part of the executable program, which means it was not on the host. Correction appears to be appropriate.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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9. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludtke et al. (Ludtke) in view of Koyama and Robinson.

Ludtke provides a network (i.e. Figure 1) to connect a video camera 10 to a host 18 having a UI, such that the video camera 10 sends characteristic information over the network to the host 18 and the UI such that the UI is used to then configure the camera 10 so that it can be used on the network. Attention is drawn to Figures 2-4 in which the characteristic information that is transmitted from the video camera 10 to the host 18, so that the user interface of Figures 5-8 can be used to configure the video camera 10 for use on the network. Note that Figure 5 is specifically shown as the "configuration window 62 that is displayed on the computer system 18 and provides to a user a graphical representation representing the devices within a1 configuration". Per column 9, the detailed information includes information obtained from the device's ROM 20, including device specific data, which detailed information is presented to the user via the user interface of the computer 18. Columns 4-8 detail the self describing information in the ROM 20 and how such is responsible for "including information which can be used to generate a graphical representation of the device for use with a graphical user interface" (column 4, lines 10-21) which represents a sending of characteristic information over the network in order to configure the device via the host UI over the network. What is lacking is a heterogeneous set of vision processors. Koyama in the same field of self ID over a network, shows a heterogeneous set of digital video cameras 101,102, in that they are heterogeneous in the case of the information of 302 per Figure 4 in that such accounts for digital cameras of differing

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capabilities and functionality. Depending on the information in each configuration ROM, the control unit 503 in the host 103 controls the digital interface 108, thereby controlling the communication, which is a configuration. Note also how image processing depends on the results of the detection [0074]. The overall configuration is shown in the steps of Figure 6, in which the DVCs (digital video camera) identify themselves via the configuration ROM over the network to the host, so that the host, with its user interface (i.e. digital interface 108 and display unit 106) can configure the DVCs over the network, so as to allow the user via the host 103 to execute various controls on the images provided [0083-0084].

Robinson provides definitions of what constitutes a vision processor in a machine vision system. Figure 1 shows a machine vision system 20, which uses a digital camera 25. A camera 24 uses a digitizer/frame grabber 22. The digitizer frame grabber 22 may comprise a vision processor board per column 5 lines 1-2. The digital camera 25 eliminates the need for the digitizer frame grabber 22. Thus it is clear that the digital camera 25 is a vision processor, as it has the functionality of the digitizer frame grabber that is the vision processor.

Thus it would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify Ludtke per the teachings of Koyama and Robinson such that heterogeneous vision processors can be configured over the network, based upon identification information sent from each vision processor over the network to the host.

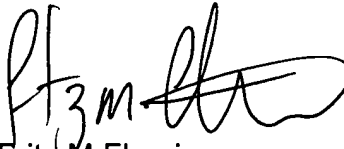
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Per claims 2-4, the combined references set forth the transmission of a plurality of VP characteristics to include identification codes and functions executable at the VP. Per claims 5-7, Ludtke teaches the use of a driver software in the self identification information in the form of a JAVA executable program (column 5, lines 1-25), thereby rendering obvious an executable program that configures a plurality of VP functions and parameters. Thus the executable JAVA represents a thin client at the host, which ultimately provides the UI. Per claim 8, the combined references teach the use of a plurality of VP identification codes via the configuration ROMs. The same applies to the claim 9 plurality of functions. Connection to the VP using a thin client is rendered obvious by Ludtke, as a URL is provided by the ROM, which can point to a location within the target device itself. Thus in order to access the URL on the VP, a web browser (hence thin client) is needed, and thus suggested by the teachings of Ludtke.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz M Fleming whose telephone number is 571-272-4145. The examiner can normally be reached on M-F, 0600-1500.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Fritz M Fleming
Primary Examiner
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fmf